SINGLE BENCH

CF 5002

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 5976 /2006

PETITIONERS :

1. **Sushil Tiwari,** Age about 38 years,
S/o Shri Jagat Narayan Tiwari,
Asstt. Teacher, Govt. Middle School,
Purena, Block - Kartala, Distt. - Korba (C.G.)

2. **Ajay Kumar Verma,** Age about 39 years,
S/o Shri Gaya Ram Verma,
Asstt. Teacher, Govt. Primary School,
Barpali, Block - Kartala, Distt. - Korba (C.G.)

3. **Jiwan Lal Kawar,** Age about 43 years,
S/o Ganga Ram Kanwar,
Asstt. Teacher, Govt. Primary School,
Purena, Block - Kartala, Distt. - Korba (C.G.)

4. **Smt. Savita Kashyap,** Age about 42 years,
W/o Shri Banwari Lal Kashyap,
Asstt. Teacher, Govt. Girls Primary School,
Barpali, Block - Kartala, Distt. - Korba (C.G.)

5. **Dhansay Patel,** Age about 42 years,
S/o Dhansay Patel,
Asstt. Teacher, Govt. Primary School,
Jhinka, Block - Kartala, Distt. - Korba (C.G.)

P.R. No. 5840/06
Presented by Ajay Shukla
dated 18/10/06

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OATH COMMISSIONER
APARNA MALVIYA
CG-29
Bilaspur Chhattisgarh

VERSUS

RESPONDENTS :

1. **State Government of Chhattisgarh**
Through :- Secretary,
Tribal Welfare Department & Education
Department, D.K.S. Bhawan, Raipur (C.G.)

2. **Commissioner**
Tribal Welfare Department,
Korba (C.G.)

3. **District Education Officer**
   I.T.I., Korba (C.G.)

4. **Block Education Officer**
   Tahsil - Kartala, Distt. - Korba (C.G.)

5. **Joint Director (Funds / Accounts),**
   Nutan Chowk, Sarkanda, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 5976 of 2006

Petitioners		Sushil Tiwari & others
	Versus	
Respondents		State Govt. of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the petitioners.
Shri Sumit Verma, Panel Lawyer, for the State/respondents.

ORDER

(7th November, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioners were appointed as Assistant Teacher by the Collector (Tribal Welfare) Bilaspur vide order dated 12.03.1987 (Annexure P-1) wherein, in condition No. 6, it was provided that the petitioners would be granted pay scale of Rs. 545-925/-, after a period of one year. It was further provided that the petitioners would be entitled to the fixed pay of Rs. 300/- for a period of one year.

2. Similarly situated employees who were initially granted a fixed pay of Rs. 300/- for a period of one year and after completion of two years period they were granted of Rs. 545-925/- had approached the Madhya Pradesh State Administrative Tribunal. The Tribunal

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passed the order on 24.8.1992 in O.A. No. 2745 of 1989 (Madhukant Yadu and 56 others Vs. State of M.P. & others.)

3. It was further held that the said benefit would be given to all teachers and they should not be compelled to approach the Tribunal for similar benefit individually or collectively.

4. Being aggrieved, the then State of Madhya Pradesh had filed the Special Leave Petition (Civil) No. 6892/93 impugning the order dated 24.8.1992 passed by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89. The Hon'ble Supreme Court after hearing learned counsel for the parties, dismissed the Special Leave Petition and having regard to the large financial implications, granted one year's time to settle the claim for the arrears without interest vide order dated 3.1.1994. It was further observed that the intervention would work out their rights in accordance with law. This order dated 24.8.1992 passed by the Tribunal in O.A. No. 2745/1989 is applicable to the petitioners being similarly situated and they are accordingly entitled to the same benefit.

5. For the above stated reasons, the petitioners are entitled to the same relief as was granted by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others.) and subsequently confirmed by order dated 3.1.1994 passed by the Hon'ble Supreme

Court in Special Leave Petition (Civil) No. 6892/93. The petitioners shall be governed by the orders passed by the Tribunal as well as by the Hon'ble Supreme Court (supra) accordingly.

6. For the reasons stated above, this petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash